

REMARKS/ARGUMENTS:

This is in response to the Office Action dated 07/16/07 for the above-identified patent application. By said Action, Claims 24, 25, 29 and 30 were rejected under 35 U.S.C. 112, second paragraph; and, under 35 U.S.C. 102(b). By this amendment, Claim 24 has been amended; Claim 36 has been added; and, Claims 1-7 have been canceled. Claims 8-23, 26-28 and 31-35 are withdrawn. Claims 25, 29 and 30 remain as before.

Applicants acknowledge, with appreciation, the telephone interview conducted by the Examiner with the undersigned and Applicant Mark Anderson on August 28, 2007. In that interview the double-walled extension structure of the Boyd device was discussed and distinguished from present applicants' device having a single-walled membrane. The distinctions discussed are substantially as discussed in detail below regarding independent Claim 24. No agreement was reached however, the Examiner indicated that the claim would be viewed in a more favorable light if the distinctions were more clearly emphasized in an amendment.

Reconsideration and allowance of amended independent Claim 24 is respectfully requested. Claim 24 has been amended to overcome the 35 U.S.C. 112, second paragraph deficiency; and, to include as a claimed element, the nozzle that is securely affixed to the tube in the vicinity of the tube. No new matter is being added by way of these Amendments. This nozzle 440 is discussed, for example, in page 7, line 3; page 8, lines 3-21; and, page 9, lines 1-5. The nozzle serves as a firm element that the sow can "clamp" down on – it essentially emulates a penis. It holds the device firmly in place. Claim 24 has also been amended to state that the membrane is single-walled. Although not discussed as such this limitation has been added to more clearly distinguish the present invention over the Boyd reference. The Boyd reference discloses a double-walled extension structure 26 that includes inner sheet 30 and outer sheet 32. Air pressure is provided between sheet 30 and sheet 32 by squeezing a bulb 20. The resulting structure is more or less funnel-shaped, as can be seen, for example, in Boyd's Figure 2. Boyd is lacking the essential structure defined in Claim 24. The Boyd structure provides an opening for the introduction of materials.

Present applicants' invention, on the other hand, only requires a single walled membrane. The desired fluidic material is introduced. The resulting pressure of the fluidic material causes the flexible membrane to incrementally pass through the distal end opening of the tube so as to unfold in an inside out manner and extend within the tract releasing fluidic material through the opening at the distal tip of

the membrane. The distal tip of the membrane disclosed by Boyd is not open. Claim 24 is therefore deemed to be in allowable condition.

Reconsideration and allowance of dependent claims 25, 29 and 30 is respectfully requested. These claims depend from Claim 24 and include the limitations of independent Claim 24. They are therefore deemed to be in allowable condition.

Consideration and allowance of newly added Claim 36 is respectfully requested. This claim is allowable for the reasons discussed above with respect to Claim 24. Additionally, with respect to the use of the "consisting essentially of" language Applicants note that the introduction of additional components required by the Boyd reference, i.e. "double-walled" extension structure, would, as discussed above, materially change the characteristics of applicants' invention.

In view of the foregoing Amendment and remarks, it is respectfully urged that all pending claims are in condition for allowance, and such action as well as passage of this case to issue is respectfully requested.

If the Examiner has any further questions, or believes that a telephone interview would be helpful to the advancement of the prosecution of the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

/Lawrence N. Ginsberg/

10-3-07

LAWRENCE N. GINSBERG,  
Attorney for Applicant, Reg. No. 30,943

DATE

949-640-6261

21 San Antonio  
Newport Beach, CA 92660-9112